

In the Specification:

Please amend the specification as follows.

On page 7, line 9, replace « bearing surface 7 requires» with -cutout or profiled part 7 presents a bearing surface to accommodate—

On page 8, line 3, after « consist of a », please insert -cutout or--.

**REMARKS**

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, on or off the record, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

3: Rejection under 112, Second Paragraph:

Concerning the Examiner's rejection under 112, Applicant believes that the above amendments to the claims overcome these rejections. The terms and sections which the Examiner identified as vague, unclear and indefinite for failure to distinctly claim the subject matter have been amended to more clearly define the invention. Therefore, Applicant believes that this rejection is overcome. Acknowledgment of this fact is respectfully requested.

4-6: 102(b) Rejection based on various references:

Points 5 and 6:

The Examiner rejected claims 1-5, 8, 9 under 35 U.S.C. §102(b) as being anticipated by US 5884420 and US 5,899,006 (Donnadieu). Applicant has amended

claim 1 to overcome this rejection by making clear that the rearward rigid part includes an interface for the ski binding. Neither Donnadieu reference includes a rigid part having an interface for the binding and therefore these reference do not contain each and every element of the claimed invention. The rejection under §102(e) is therefore overcome. Acknowledgment of this fact is respectfully requested.

#### 7-8 : Claim Rejections under §103

The Examiner rejected claim 6 under §103(a). Claim 6 has been cancelled. Therefore, this rejection is moot.

#### References in Information Disclosure Statement :

Examiner Mohendesi cited references which the Examiner may be inclined to cite against Applicant in this case in the next Office Action. Applicant wishes to define what he believes makes the invention patentably distinct from these and the references cited by the Examiner.

In EP 753,267, no rear interface for a ski binding is shown. Neither is the invention for use in skiing—the reference describes a snowboarding boot only. Application of the features of this invention in the context of alpine skiing, a sport which is quite different than snowboarding, would not be obvious to one of ordinary skill as there is no teaching or suggestion of such application in this reference or in this reference in combination with any other reference..

In DE 2,514,207, the portion which may arguably be regarded as similar to the rigid part (1) includes no rear interface for a ski binding. Rather, the interface 2 is on the sole 1 and extends through an opening in the « rigid part » 7. Further, when the boot is prepared for walking after being removed from the binding, the « rigid part » 7 is also removed. Thus, when walking, the boot itself has no rigid part and therefore does not require the features of the present invention.

§ § §

9. Conclusion

Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4122-346-8744, fax at 011-4122-346-8960 (Geneva is 6 hours ahead of Eastern Std Time), or e-mail at [moetteli@bugnion.ch](mailto:moetteli@bugnion.ch).

Applicant authorizes the Commissioner to charge the deposit account of BUGNION S.A., no. 50-0800 for fees under 37 CFR §1.16 and §1.17 which may be required in this application.

Respectfully submitted,

BUGNION S.A.

Date :

Sept 6, 1999

  
John MOETTELI  
U.S. Reg. No. 35,289

Enclosure: power of attorney  
Cert under §3.73